

**From:** Rick Rutherford  
**To:** Microsoft ATR  
**Date:** 11/29/01 12:41pm  
**Subject:** I am against the proposed Microsoft settlement

I would like to submit my formal opposition to the proposed settlement in the matter of the United States vs Microsoft.

In fairness I must submit that I am an Apple Computer customer and have been using Apple products since 1980. I must also point out that I am a Microsoft customer as well, having purchased each version of Office for the Mac that has been available since 1996.

After reading the proposed settlement I was left with a fear that if adopted it could be a decisive turning point against Apple Computer in its struggle to compete with Microsoft.

Over the past weekend I wondered if Apple would let this proposed settlement be offered without objection. How fair is a settlement that proposes Microsoft's punishment for illegal monopolistic practices be the furthering of those practices by squashing a competitor in a market where MS clearly comes in second?

Luckily, Apple CEO Steve Jobs took the initial action I hoped he would and received a notable amount of coverage over his objections to the Microsoft proposal. Mr. Jobs hit the proverbial nail right on the head when he said Microsoft was going after the only market it does not have a stranglehold on - education.

The irony of this proposal is that Microsoft is undertaking the same actions that got the company in hot water in the first place. Give away free MS products to create an unfair leverage against any and all competition. It should not be overlooked that this all has huge political overtones.

Microsoft chairman Bill Gates donates to President Bush's campaign...Dell Computer CEO Michael Dell is Bush's technology advisor...and the Justice Department virtually cripples the rulings against Microsoft's anti-trust activities leaving the states participating in these proceedings twisting in the wind. All of this less than a year after Bush's election.

I do not have a problem with a MS settlement going to help eliminate the digital divide in American schools. They can even put Microsoft Office on the computers they give to schools...as long as it's Office X on Macs. Anything less will potentially deliver a fatal blow to Apple's education market, and maybe the company as a whole.

I find it a bit ironic that Microsoft floats this proposed settlement the same week the company releases Office X for the Mac. It's like "Hey, we're not trying to put Apple out of business. Look, we just released a fantastic

version of Office for all of our Apple friends."

In the final analysis, this proposal cannot be implemented as it is currently written. As American citizens (Mac and Wintel users alike) we should not allow OUR government to aide and abate a company in putting its competition out of business. That is not capitalistic, it is fascist at it's most basic level.

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